ENTERED

JUN - 2 2009

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia
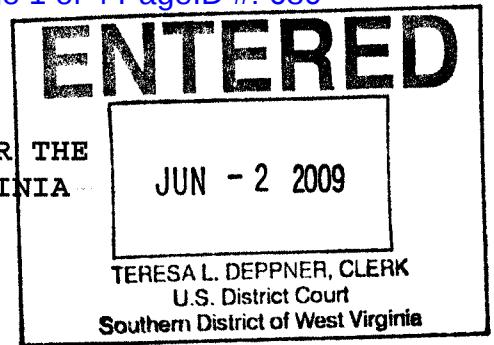
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON

UNITED STATES OF AMERICA

v.   CRIMINAL NO. 3:09-00010

TIMOTHY A. OLDANI

PRELIMINARY ORDER OF FORFEITURE

Based upon the conviction of the defendant, Timothy A. Oldani,

of a violation of 18 U.S.C. § 371, as set forth in the one-count

information, and the defendant's consent to the entry of judgment

against him in the amount of $52,817.41 for the total gross

proceeds derived from the offense to which he has pled guilty, and

the defendant's agreement to forfeit certain property as proceeds

of that offense pursuant to 28 U.S.C. § 2461(c) and 18 U.S.C.

§ 981(a)(1)(C), or as substitute assets pursuant to 21 U.S.C.

§ 853(p), the Court hereby

ORDERS that judgment be and the same hereby is entered against

Timothy A. Oldani in the amount of $52,817.41, plus interest.

The Court further ORDERS that any and all interest of the

defendant, Timothy A. Oldani, in the sum of $4,784.06, more or

less, constituting the balance of defendant's bank account no.

XXXXXXX4608 at Huntington Banks, be and the same hereby is

FORFEITED to the United States pursuant to 28 U.S.C. § 2461(c) and

18 U.S.C. § 981(a)(1)(C), said proceeds shall be offset against the

judgment.

Having been advised by the United States that it does not intend to seek forfeiture of the 2005 Cadillac Sedan charged in the indictment on the grounds that it has insufficient equity and its forfeiture could result in a loss to the Assets Forfeiture Fund, the Court further ORDERS that the 2005 Cadillac CTS Four Door Sedan, VIN 1G6DP567250112937, be and the same hereby is DISMISSED from this case.

The Court further ORDERS that the Attorney General, or his authorized designee, shall seize the forfeited currency from the Huntington Banks account, pursuant to Fed.R.Crim.P. 32.2(b)(3), and shall protect and maintain possession of the seized currency until further order of this Court.

The Court further ORDERS that Huntington Banks shall pay over to the United States the sum of $4,784.06, more or less, constituting the balance of the account on the date the seizure warrant was served, that is, June 18, 2008, plus any additional deposits to or interest earned on the account since that date, by mailing a check in said amount to Betty A. Pullin, Assistant United States Attorney, P. O. Box 1713, Charleston, West Virginia, 25326, no later than 30 days from the date of entry of this Order.
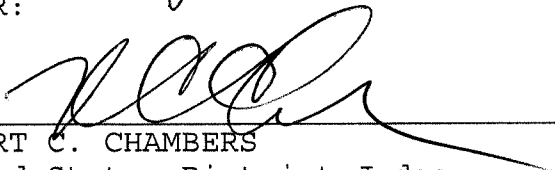
The Court further ORDERS that, to the extent Huntington Banks claims any right of offset or other claim against the balance of this account, the Bank shall not offset or otherwise deduct any proceeds from the $4,784.06, more or less, before paying said sum

over to the United States but shall be entitled to assert such claim in ancillary proceedings to be brought in this court pursuant to 21 U.S.C. § 853(n).

The Clerk is directed to send certified copies of this Order to counsel of record; to Deborah Peck, Banking Office Manager, Huntington National Bank, 919 Fifth Avenue, Huntington, West Virginia, 25701; to Special Agent Michael D. Fleener, Department of Homeland Security, Immigration and Customs Enforcement, 210 Kanawha Boulevard West, Charleston, West Virginia, 25302; to Betty A. Pullin, Assistant United States Attorney, P. O. Box 1713, Charleston, West Virginia, 25326; and to the United States Marshals Service in Charleston, West Virginia.

IT IS SO ORDERED this ___1st___ day of ___June___, 2009.

ENTER:

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ROBERT C. CHAMBERS
United States District Judge

ORDER PREPARED BY:

s/Betty A. Pullin
Betty A. Pullin, WV Bar Number: 5590
Attorney for the United States
United States Attorney's Office
300 Virginia Street, East, Room 4000
Charleston, West Virginia 25301
Telephone: (304) 345-2200
Fax: (304) 347-5104
Email: betty.pullin@usdoj.gov

ORDER SEEN AND AGREED TO BY:

_____
TIMOTHY A. OLDANI

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CHRISTIAN M. CAPECE
Assistant Federal Public Defender
Counsel for Timothy A. Oldani

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